

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

AUG 29 2018

United States of America)
v.)
Gadi DUSENGIMANA)

Case No. 2:18mj3533

David J. Bradley, Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 28, 2018 in the county of Brooks in the

Gadi DUSENGIMANA

Southern District of Texas, the defendant(s) violated:

Code Section

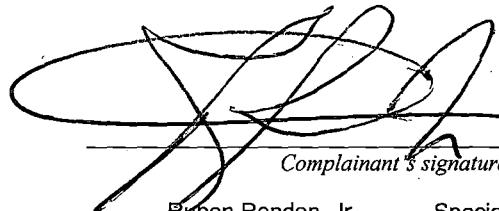
8 United States Code 1324

Offense Description

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

- Continued on the attached sheet.



Complainant's signature

Ruben Rendon, Jr. Special Agent

Printed name and title

SWORN TO AND SUBSCRIBED TO ME ON THIS August 29, 2018



Judge's signature

B. Janice Ellington, U.S. Magistrate Judge
Printed name and title

City and state: Corpus Christi, Texas

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AFFIDAVIT**PROBABLE CAUSE:**

On August 28, 2018, Border Patrol Agent Nestor Yanez was working the primary inspection lane at the U.S. Border Patrol Checkpoint, which is located 13 miles south of Falfurrias, Texas on the northbound lanes of U.S. Highway 281. Also working the inspection lane with BPA Yanez was Border Patrol Agent Lucio Campos and his Service Canine "Bill." At approximately, 12:05 a.m., a red tractor trailer bearing Missouri plates approached and entered the lane for an immigration inspection.

When the truck came to a stop, the driver, later identified as Gadi DUSENGIMANA, was asked if he was a United States citizen and he replied, "I am a Resident." DUSENGIMANA was then asked if there was anyone else traveling with him in the sleeper, to which he replied "No." He was also asked what he was carrying in the trailer, to which he replied "tomatoes."

Agent Campos advised of a canine alert to the trailer. BPA Campos and his Service Canine "Bill" did a subsequent search of the vehicle and again his Service Canine alerted to both the tractor and trailer. After an immediate search of the cabin, Border Patrol Agent Rosendo Rocha discovered one subject hiding underneath the bed inside the cabin. Agent Rocha conducted an immigration inspection and determined the subject hiding under the bed was an illegal Alien without any documents to be or remain in the United States Legally.

After opening the trailer doors fifteen individuals were found hiding inside the empty (no tomato commodity) refrigerated trailer. BPA Rocha conducted an immigration inspection and determined that all 15 subjects were illegally present citizens of Mexico, Honduras and Brazil with no immigration documents that would allow them to be or remain in the United States legally. All subjects were placed under arrest and transported to the Falfurrias Border Patrol Station for further processing. DUSENGIMANA was placed under arrest and transported to the Checkpoint.

PRINCIPAL STATEMENT:

DUSENGIMANA Gadi was read his Miranda Rights as per Service form I-214, in the language of his choice, English, by BPA Yanez and witnessed by BPA Victor Garcia. DUSENGIMANA signed his Miranda Rights indicating he understood his rights. DUSENGIMANA further stated he was not willing to make a statement without a lawyer present. No further questions were asked of DUSENGIMANA.

MATERIAL WITNESS ALIEN STATEMENTS:

All material witnesses were read their Miranda rights and provided statements referencing the smuggling event.

Reynaldo HERNANDEZ-Hernandez stated that the last time he crossed the Rio Grande River illegally was about three weeks ago. HERNANDEZ stated that during the three weeks he has been staying with his wife at a house in Mission, TX. HERNANDEZ stated that he made arrangements before he crossed with a person in Reynosa, Tamaulipas, Mexico in order to be smuggled to Houston, TX. He stated that he has paid smugglers \$1,800 and was to pay \$2,000 more when he reached Houston, TX. On 08/27/2018, HERNANDEZ spoke with a Mexican man at about 6:00 p.m. to get ready. At approximately 10: 00 p.m. he was driven to "La Michoacana Meat Market" on 10th Street in McAllen, TX. There he met a heavy set Hispanic man in his twenties who drove a black Chevrolet pickup truck. This man drove him about forty minutes to an Exxon gas station where the tractor trailer was parked. The man who drove black truck

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opened the door to the trailer and told him to get in. He was also told that by about 4:00 or 5:00 a.m. he would be in Houston, TX.

HERNANDEZ went on to say that once the truck began to move, it took approximately an hour and a half and he felt the truck stop briefly, and then felt the truck begin to move again. Shortly after they were discovered and arrested. HERNANDEZ stated that they were given no instructions as to how they might escape in the event of an emergency.

HERNANDEZ gave agents written and verbal consent for his cell phone to be searched.

HERNANDEZ told the agents that the man who drove him to the tractor-trailer and opened the door contacted him by phone several times prior to being placed inside the trailer.

Hever RIVAS-Ramirez stated that this is the third time he has attempted to illegally enter the United States. He intended to join his family living in Ohio. Rivas stated that about a month ago, he made arrangements with a person in Honduras to be smuggled to Houston, TX in exchange for \$7,000. He stated that he crossed the Rio Grande River about six days ago, near Reynosa, Tamaulipas, Mexico with two other illegal aliens.

RIVAS was taken and stayed at a trailer home for approximately five days. He was picked up on 08/27/2018 at approximately 10:00 p.m. and driven to where the tractor-trailer was parked. RIVAS stated that when they arrived at this location, he noticed there were other tractor trailers parked nearby and also noted the tractor was off. He went on to say that the man who drove him there opened the passenger side door, got in, and opened the bed, and told him to get inside. RIVAS stated that this man told him in Spanish that when he got to Houston, someone would get him out. This man then closed the bed. He heard someone get in and speak in English for a short while.

Ansemio LUNA-Juarez stated that he made arrangements with a person in Reynosa, Tamaulipas about a week ago to be smuggled into the United States. He stated that he was to pay \$3,000 when he reached McAllen, TX, and another \$3,000 later. LUNA stated that he crossed the Rio Grande River illegally on 08/23/2018 with three others. He was taken to a house in McAllen where he has stayed alone until he was picked up on 08/27/2018 at approximately 9:00 p.m. He was picked up by a Hispanic man in his forties who drove an older-model gray SUV. LUNA stated that this man told him he would ride inside a trailer until he reached Houston. Luna stated that this man then drove to a neighborhood about thirty minutes away, where they met a gray car. He stated that four other illegal aliens got out of this car and into the SUV with them. LUNA stated that they then drove another thirty minutes to a fenced-in location where various tractor-trailers were parked. The man that drove them there then escorted them to the back of the trailer. They were told to move towards the front of the trailer. Once inside, the trailer was completely empty.

Jorge Alberto ACOSTA-Amador stated that he intended to join family who live in North Carolina. Acosta stated that he paid an unknown smuggler \$6,000 to be smuggled into the United States and was to pay \$6,000 more when he reached Houston, TX. ACOSTA was told he would get to ride all the way, but that he was never told he would have to ride inside a trailer. He crossed the Rio Grande River illegally with a group of six people on Sunday, August 26th. Once they crossed, they were driven to a house in McAllen, TX. He said that at that location there was a group of illegal aliens from Brazil in the house. ACOSTA stated that sometime later, another group of illegal aliens from Honduras arrived. He stated that on 08/27/2018, at about 10:30 p.m., groups of illegal aliens began being taken from the house. A man driving a dark-colored four-door car drove them about twenty minutes to a large parking lot where various tractor-trailers were parked. There they were taken to the tractor-trailer, and that the

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door of the trailer was already partially open. He stated that the driver then told them to quickly get inside, to stay quiet, and move toward the front.

On August 28, 2018, at around 10:00 a.m., BPA Robert Martinez III obtained the following statement from **Cleiton Fernandes-DELIMA**. DELIMA was the only subject who spoke English. DELIMA was able to communicate in English and Spanish.

While obtaining the crossing data, DELIMA began to explain the details of the stash house they were taken to. DELIMA stated all Brazilian subjects were held at the same stash house in Reynosa, Mexico, and ended up in the same stash house in McAllen, Texas. DELIMA and the other Brazilian subjects were held at the McAllen stash house for 3 or 4 days. The stash house was described to be a mobile home with 2 bedrooms. DELIMA was driven to the location of the tractor trailer. The tractor and trailer reefer were already turned on when the group arrived. DELIMA then informed BPA Martinez III that the driver was very nervous before they left. DELIMA was asked what he meant, and if he saw the driver of the tractor that was pulling the trailer that he was caught in.

DELIMA stated the driver climbed into the trailer to speak with someone in the group. The driver, Gadi DUSENGIMANA, spoke with DELIMA because he spoke English. DELIMA stated that DUSENGIMANA's hands wouldn't stop shaking while they spoke. DELIMA went on to say that he could sense DUSENGIMANA was scared and probably hadn't done this kind of thing before (DELIMA was referring to alien smuggling). DUSENGIMANA then asked DELIMA for his cell phone number so he could call his phone. DUSENGIMANA wanted DELIMA to have his cell phone number saved on his phone.

DELIMA was instructed by DUSENGIMANA to call him just in case an emergency occurred with someone within the group while inside the trailer. DUSENGIMANA also told DELIMA to call him if anyone was getting scared while in the locked trailer. DUSENGIMANA told DELIMA that he would stop if he needed, to open the back doors.

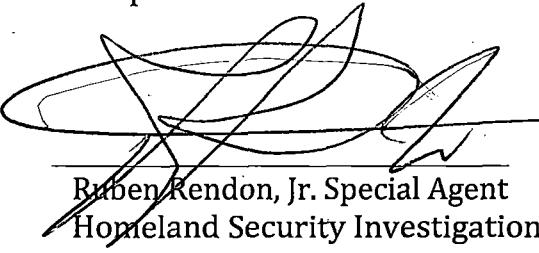
DELIMA gave consent to search his phone and provided DUSENGIMANA's phone number which was saved on his phone. DELIMA acknowledged and signed the Consent to Search for his cellular telephone.

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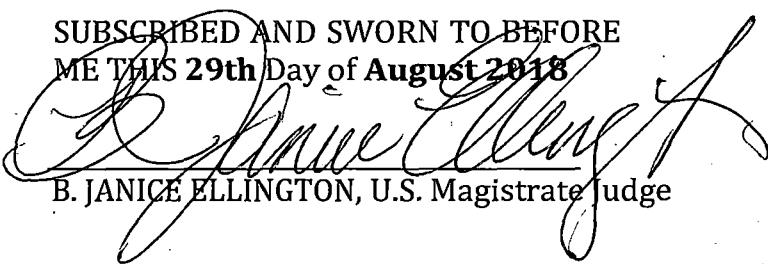
All remaining smuggled aliens were presented with their rights as per Miranda and all verbally stated that they understood their rights and further refused to provide a statement by invoking their right to have an attorney present. No exculpatory statements regarding the smuggling event were made by any of the remaining smuggled aliens. One of the smuggled aliens was an unaccompanied juvenile and was not asked for any statements.

Homeland Security Investigations, Special Agent Ruben Rendon, presented the facts of this investigation thus far to AUSA Stephen Reid Manning and the case was accepted against Gadi DUSENGIMANA for violations of Title 8 United States Code Section 1324. The decision was also made to retain material witnesses. Subjects Reynaldo HERNANDEZ-Hernandez (Mexico), Hever RIVAS-Ramirez (Honduras), Ansemio LUNA-Juaraz (Mexico), Jose Alberto ACOSTA-Amador (Honduras), Cleiton Fernandes-DELIMA (Brazil) will be retained as material witnesses. All remaining smuggled aliens were processed accordingly as per Customs and Border Protection protocols.



Ruben Rendon, Jr. Special Agent
Homeland Security Investigations

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 29th Day of August 2018



B. JANICE ELLINGTON, U.S. Magistrate Judge